

EXHIBIT A

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**IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR DAVIS COUNTY, STATE OF UTAH**

ROBERT JENSEN,
Plaintiff,
vs.
BMW OF NORTH AMERICA, LLC, a
limited liability company; and JOHN DOES
1-5,
Defendants.

COMPLAINT

Civil No. 180701018

Tier 3

Judge Michael G. Allphin

The Plaintiff, Robert Jensen, for a cause of action against the Defendant, BMW of North America, LLC, complains and alleges as follows:

1. Plaintiff Robert Jensen is a citizen of Fruit Heights, UT.
2. On information and belief, Defendant BMW of North America, LLC is a

Delaware Limited Liability Corporation, with its principal place of business at 300 Chestnut Ridge Rd., Woodcliff Lake NJ 07677-7731, and is engaged in the importing and manufacturing of BMW brands as well as providing marketing, sales, and financial services through dealerships and motorcycle retailers. BMW has a registered agent in the state of Utah and is subject to the long arm jurisdiction of this Court.

3. John Does 1-5 are agents, employees, officers and directors who may be liable based upon their actions and the legal actions of principal agent, master servant, respondent superior, for the claim brought herein.

4. On information and belief, BMW of North America, LLC placed into the stream of commerce through its authorized dealership, BMW of Murray, a 2011 BMW 7 Series in the state of Utah.

5. This Court has original subject matter jurisdiction and personal jurisdiction of this action pursuant to the provisions of Utah Code § 78A-5-102 (2018).

6. This Court has personal jurisdiction over Defendants. General jurisdiction exists over all Defendants based on their substantial, continuous, and systematic business contacts with the State of Utah.

7. Venue is appropriate in this judicial district pursuant to 28 U.S.C. § 1331(a) because a substantial part of the events that give rise to Plaintiff's claims occurred within the district of the above-entitled Court.

8. On or about 2018, Plaintiff acquired a 2011 BMW 7 Series that was manufactured and placed into the stream of commerce by Defendant.

9. The 2011 BMW 7 Series acquired by Plaintiff was defectively manufactured prior to purchase and subsequently sold to Plaintiff by Defendants.

10. The defect made the 2011 BMW 7 Series unreasonably dangerous to the public.

11. On or about March 8, 2018, while parked in Plaintiff's attached garage, the defectively manufactured 2011 BMW 7 Series spontaneously combusted, resulting in approximately \$500,000 of damage to Plaintiff's home.

12. On or about April 25, 2018, Plaintiff's insurance company, Safeco Insurance Company, investigated the scene and identified the defective 2011 BMW Series 7 as the fire's area of origin i.e. the cause of Plaintiff's loss.

13. BMWs, in general, have a history of fires, which was known or should have been known to the Defendants, but the Defendants failed to warn Plaintiff of this history and of the possibility of spontaneous or other combustion, and also failed to recall the vehicle after the defect was known.

14. Plaintiff's home was damaged in amounts to be proven at trial due to the Defendants' negligence in manufacturing, upkeeping, and inspecting their vehicles prior to and after sale as well as failing to warn buyers of the combustibility of BMW vehicles.

WHEREFORE, Plaintiff prays for judgment against Defendants in the minimum amount of \$500,000.00, plus amounts proven at trial for investigations, attorney's fees, and such other relief as the Court deems just and equitable in the premises.

RESPECTFULLY submitted this 8th day of October, 2018.

PLANT CHRISTENSEN & KANELL

/s/ Theodore E. Kanell

THEODORE E. KANELL
Attorneys for Plaintiff

Plaintiff's Address:

Robert Jensen
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